

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR19-142RAJ
)
Plaintiff,)
)
v.) DETENTION ORDER
)
)
ANDREW PETER SOLOMON,)
)
)
Defendant.)

PROCEDURAL HISTORY

The United States, and the Probation Office, seek revocation of defendant's supervised release. He was sentenced on October 16, 2000, on charges of assault by strangulation. The court imposed a sentence of eighteen months in custody, followed by a term of three years on supervised release. He served his custodial sentence, and entered on supervision on November 18, 2020.

His performance while has on supervision has been rocky. Most of the violations reported by the USPO to the court have consisted of, or been related to, alleged use of drugs or alcohol. These have included consumption of methamphetamine on two occasions; consumption of

marijuana on six occasions; consumption of alcohol on two occasions; consuming an intoxicant (“air duster”); driving while license suspended; failure to comply with substance abuse disorder treatment; and failure to submit to drug treatment. On each prior occasion, the court has not revoked his supervised release, but has required defendant to pursue further treatment, as directed by the USPO.

VIOLATIONS PRESENTLY ALLEGED

Based upon two alleged new violations, the United States and the USPO seek revocation of defendant’s supervised release. The alleged violations are:

- (1) Failure to Report a Change of Address. While defendant was participating in a residential treatment program operated by the Lummi Indian Nation, he became intoxicated, at least in part from use of “air duster.” He also physically threatened to assault a resident. He was therefore terminated from the program on or about March 14, 2023. Following his departure, he failed to report his new address to the USPO, who has been unable to locate him.
- (2) Driving while under the influence of intoxicants, on or about October 12, 2023 (a new criminal offense).

Defendant has denied both alleged violations. The final hearing on the alleged violations, and disposition, is set before Judge Jones on November 17, 2023, at 11:30 a.m.

Date of Detention Hearing: September 18, 2023

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet

01 will reasonably assure the safety of other persons and the community, as well as
02 defendant's appearances as required in this case.

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04 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

05 (1) When a defendant is charged with violations of supervised release, there is a
06 rebuttable presumption for detention, based upon both danger to the community and
07 risk failure to appear.

08 (2) Defendant has offered nothing to rebut this presumption. In fact, his continued failure
09 to control his substance abuse problem, his alleged threat of violence, and his failure
10 to communicate with the USPO, reinforce concerns about community safety and
11 reliability of his future appearances.

12 (3) At the hearing October 18, defendant his counsel stipulated to detention. His counsel
13 indicated, however, that he will work with the Probation Office, and with the United
14 States Attorney, in an attempt to reach agreement upon a plan for inpatient treatment
15 for defendant. Counsel therefore might apply to the court for release to such a
16 program, in lieu of detention.

17 It is therefore ORDERED:

18 1, Defendant shall be detained pending final adjudication, and committed to the
19 custody of the Attorney General for confinement in a correction facility separate, to the extent
20 practicable, from persons awaiting or serving sentences or being held in custody pending
21 appeal;

22 2. Defendant shall be afforded reasonable opportunity for private consultation

01 with counsel;

02 3, On order of the United States or on request of an attorney for the Government, the
03 person in charge of the corrections facility in which defendant is confined shall deliver the
04 defendant to a United States Marshal for the purpose of an appearance in connection with a
05 court proceeding;

06 4. The Clerk shall direct copies of this Order to counsel for the United States, to
07 counsel for the defendant, to the United States Marshal, and to the United States
08 Pretrial Services Officer.

09 DATED this 18th day of October, 2023.

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11 John L. Weinberg
12 United States Magistrate Judge
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